

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOURNE CO.,

Plaintiff,

-against-

TWENTIETH CENTURY FOX FILM CORPORATION,
FOX BROADCASTING COMPANY, TWENTIETH
CENTURY FOX TELEVISION, INC., TWENTIETH
CENTURY FOX HOME ENTERTAINMENT, INC.,
FUZZY DOOR PRODUCTIONS, INC., THE
CARTOON NETWORK, INC., SETH MACFARLANE,
and WALTER MURPHY,

Defendants.

Case No. 07 Civ. 8580 (DAB)

Deposition of KARYN SOROKA held at the
offices of Loeb & Loeb, 345 Park Avenue, New
York, New York, on Tuesday, March 4, 2008,
commencing at 10:00 a.m., before James W.
Johnson, Registered Professional Reporter and
a Notary Public of the State of New York.

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1 Soroka
 2 MS. STARK: The mixture of satire and
 3 parody?
 4 MR. ZAVIN: Yes.
 5 MS. STARK: You can answer.
 6 A. I'm sorry, what's the question again?
 7 MR. ZAVIN: Read the question, please.
 8 (Record read.)
 9 A. No.
 10 Q. Have you formed an opinion as to whether
 11 "I Needed You" is a parody of "When You Wish Upon A
 12 Star?"
 13 MS. STARK: Objection. This is beyond
 14 the scope of her expert report.
 15 Q. You can answer.
 16 A. In which sense?
 17 Q. In your sense.
 18 A. In my -- well, are you saying what I
 19 just stated as the non-legal definition of
 20 "parody?"
 21 Q. Mm hmm.
 22 A. I guess in the non-legal definition of
 23 "parody" it would fall into that, yes.
 24 Q. In your opinion, would a licensee
 25 seeking to license "When You Wish Upon A Star"

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1 Soroka
 2 accept as a substitute "I Needed You?"
 3 MS. STARK: I'm sorry, can you repeat
 4 the question.
 5 MR. ZAVIN: You can read it back.
 6 (Record read.)
 7 MS. STARK: You can answer. I'm going
 8 to object because, again, this idea of market
 9 substitution is not part of Ms. Soroka's
 10 report, and you're going outside the bounds of
 11 her expert report.
 12 You can answer if you can.
 13 A. It's such a broad question. There's --
 14 licensees could be anything, from a lyric reprint
 15 to an artist covering the record. The answer is
 16 no, they wouldn't accept it as a substitute, in
 17 general.
 18 Q. Do you think someone who wants to
 19 purchase a copy of "When You Wish Upon A Star"
 20 would -- and let's assume "I Needed You" -- would
 21 accept "I Needed You" as a substitute for "When You
 22 Wish Upon A Star?"
 23 MS. STARK: Objection. I'm going to
 24 make a standing objection that you're asking
 25 the witness questions that she is not, she's

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1 Soroka
 2 not been discussing in her report. You're
 3 going outside the scope of the report.
 4 It's not proper, and this is going to be
 5 a standing objection to anything having to do
 6 with anything other than what she's discussed
 7 in this report. You can answer if you can.
 8 A. No.
 9 MR. ZAVIN: Why don't we take a few
 10 minutes.
 11 (Recess taken.)
 12 MR. ZAVIN: I have no further questions.
 13 MS. STARK: Okay. We want a chance to
 14 correct the transcript, and I guess that's it.
 15 (Time noted: 10:28 a.m.)
 16
 17
 18
 19

KARYN SOROKA

20 Sworn and subscribed to
 21 before me this ____ day
 22 of _____ 2008.
 23
 24
 25

NOTARY PUBLIC

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1
 2 CERTIFICATE
 3
 4 STATE OF NEW YORK)
 5) Ss
 6 COUNTY OF NEW YORK)
 7

8 I, JAMES W. JOHNSON, a Registered
 9 Professional Reporter and Notary Public within
 10 and for the State of New York, do hereby
 11 certify:

12 That KARYN SOROKA, the witness whose
 13 deposition is hereinbefore set forth, was duly
 14 sworn by me and that such deposition is a true
 15 record of the testimony given by such witness.

16 I further certify that I am not related
 17 to any of the parties to this action by blood
 18 or marriage and that I am in no way interested
 19 in the outcome of this matter.

20 IN WITNESS WHEREOF I have hereunto set
 21 my hand this 8th day of March 2008.
 22
 23

24 JAMES W. JOHNSON
 25 Registration #01J05000925
 Commission Expires 9/4/2010

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ERRATA SHEET

NAME OF CASE: Bourne Music v. 20th Century Fox
DATE OF DEPOSITION: Tuesday, March 4, 2008
WITNESS: Karyn Soroka

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KARYN SOROKA

Witness and sworn to before me
this ____ day of _____, 2008.

(Notary Public) My Commission Expires: _____

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